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Attorneys for Defendant U.S. Foodservice, Inc.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION
 18

19 LORETTA DOWNS and D'ANDRE PARKER,
 20 individually and on behalf of all others similarly
 situated,

21 Plaintiffs,

22 vs.

23 U.S. FOODSERVICE, INC.,

24 Defendant.
 25
 26
 27
 28

Case No.: 10-2163 EMC

**STIPULATION AND [PROPOSED] ORDER
 SHORTENING TIME TO HEAR
 UNOPPOSED MOTION FOR
 PRELIMINARY APPROVAL OF CLASS
 ACTION SETTLEMENT AND NOTICE TO
 CLASS**

1 Plaintiffs, Loretta Downs, et al., and Defendant, US Foods, Inc., by their undersigned counsel,
 2 hereby Stipulate that the Court may, and jointly request that the Court should, enter the proposed Order
 3 set forth below permitting Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and
 4 for Notice to the Class to be heard on shortened time. Specifically, the parties request that the Court
 5 permit the Motion to be filed on February 17, 2012 and to be heard on March 16, 2012, on less than the
 6 standard 35 days' notice. Plaintiffs and Defendant so stipulate and request for the following reasons:

7 1. The parties and the Court previously reserved March 16, 2012 as the hearing date for
 8 this Motion when the parties anticipated that the Motion would be filed on February 10, 2012, giving
 9 35 days' notice.

10 2. Due to delays in the completion of the voluminous settlement documents, Plaintiffs
 11 have been unable to submit their Motion for filing until February 17, 2012, 28 days before the reserved
 12 hearing date. However, that Motion is being submitted simultaneously with this Stipulation.

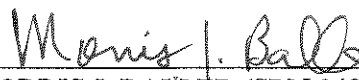
13 3. The Motion will be unopposed, and the parties do not anticipate any further briefing of
 14 the Motion beyond the papers submitted on February 17, 2012. Therefore, the Court's time to review
 15 the Motion and all papers submitted with it will not be unduly limited.

16 Therefore, Plaintiffs and Defendant stipulate to, and request that the Court enter, the proposed
 17 Order set forth below.

18 Dated: February 17, 2012

Respectfully submitted,

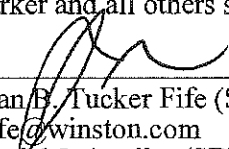
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7 Dated: February 17, 2012


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**[PROPOSED] ORDER SHORTENING TIME TO HEAR UNOPPOSED
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT**

Upon the Stipulation and request of the parties, and for good cause shown, it is hereby
ORDERED that Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and For
Notice to Class may be filed on February 17, 2012, for hearing on shortened time on March 16, 2012.
There shall be no further briefing unless so ordered.

Dated: February ²³__, 2012

UNITED STATES DISTRICT JUDGE

